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Dated: June 19, 2003

Signature: Kathryn L. Nash  
(Kathryn L. Nash)

Docket No.: 65937-0002  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael E. Miller, et al.

Application No.: 09/707,022

Filed: November 6, 2000

For: BIOPSY APPARATUS

Group Art Unit: 3681

Examiner: C. Marmor

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed June 3, 2003 (Paper No. 15), Applicants hereby provisionally elect claims 1, 16-26, 28, 31, 34-38, and 40-45 for continued examination without traverse.

The Examiner has required restriction between:

- I. Claims 1, 12-49 and 69 drawn to tissue cutting devices including an inner cannula, an outer cannula having a tissue-receiving opening, a motor assembly and a hydraulic system; classified in class 600, subclass 568.
- II. Claims 2 and 50-52, drawn to a tissue cutting device an inner cannula, an outer cannula having a tissue-receiving opening, a motor assembly and a cutting board disposed in the outer cannula, classified in class 600, subclass 564.
- III. Claims 3-8 and 53-58, drawn to cannulas sized for insertion in a human body, classified in class 606, subclass 167.



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- IV. Claims 9 and 59-64, drawn to a tissue cutting device an inner cannula, an outer cannula having a tissue-receiving opening, a pair of motors and means for supporting one motor for movement with the inner cannula, classified in class 606, subclass 171.
- V. Claims 10, 11 and 65-68, drawn to tissue cutting devices including an inner cannula, an outer cannula having a tissue-receiving opening, a handpiece, a vacuum source, and a releasable hub connected to the proximal end of the outer cannula, classified in class 600, subclass 564.

In response to the restriction requirement, Applicants hereby provisionally elect without traverse the claims directed to invention I, namely claims 1, 12-49 and 69.

As also set forth in the Office Action mailed June 3, 2003 (Paper No. 11), the Examiner has required restriction between the following alleged species: Species I directed to Figure 5; Species II directed to Figure 6; Species III directed to Figure 7; Species IV directed to Figure 8; Species V directed to Figure 8(a); Species VI directed to Figure 8; Species VII directed to Figure 9; and Species VIII directed to Figures 10 and 11.

In response to the restriction requirement, Applicants hereby provisionally elect without traverse the claims directed to Species II, namely claims 1, 16-26, 28, 31, 34-38, and 40-45 for continued examination.

Currently, claims 1, 9, 10 and 11 are generic. Upon allowance of a generic claim, Applicants will be entitled to consideration of the claims to additional species that are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this

paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Dated: June 19, 2003

Respectfully submitted,

By   
Bradley J. Diedrich

Registration No.: 47,526

Rader, Fishman & Grauer PLLC  
39533 Woodward Avenue, Ste 140  
Bloomfield Hills, MI 48304  
(248) 594-0651  
Attorneys for Applicant

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